

Proposed Community Association Manager Licensing Rules: For Review and Comment Only (A Rules – License Qualifications, Applications & Examinations)

A-1) Requirements must precede exam and application.

One or more of the credentials as set forth in §12-61-1003(5)(a)(I)(A), (B), (C), and (D), C.R.S. or § 12-61-1003(5)(d), C.R.S., must be held, and proof of completion in a manner prescribed by the Director prior to an application for a community association manager license.

A-2) Exams only given to those qualified.

Examinations will be given only to those duly qualified applicants for a community association manager license, however one instructor from each educational provider offering a recognized credential pursuant to § 12-61-1003(5)(a)(I)(A),(B),(C), and (D), C.R.S., may sit for the examination one time during any 12 month period.

A-3) Community association manager license examination, exam expiration and application requirements.

The community association manager license examination is made up of two parts, a general portion and a state portion. If an applicant fails one or both parts of the exam, the applicant may retake the failed portion(s) at a subsequent time. A passing score for either part of the exam is valid for one year only. An application received by the Division must be accompanied by the statutory fee, proof of completion of the required credential and experience requirements, and proof of successful completion of the appropriate portion(s) of the exam within the year prior to the application being received by the Division. No exam score for either portion of the exam will be considered valid after one year.

A-4) Exam results certified only if licensed.

The Director will not certify to any person, state or agency any information concerning the results of any examination as it pertains to any person who has taken the examination unless such person is or has been licensed as a Colorado community association manager or pursuant to such examination.

A-5) License processing time frames.

Provided that applicant has submitted a complete and satisfactory application in compliance with § 12-61-1002 C.R.S. and § 12-61-1003 C.R.S., the Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check. If the application or record check is not complete or satisfactory, the applicant will be notified that their license application has been deferred pending receipt of required compliance item(s). The license of a community association manager whose application has been approved by the Director subject to the receipt of certain compliance items will be issued on an inactive status if such compliance items are not submitted within 20 days after written notification by the Director. No activities requiring a license may be performed while the license is on an inactive status.

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A-6) Certificate of license history required.

An applicant for a Colorado community association manager license, who has held a community association manager license, or a substantially equivalent credential as determined by the Director, in any other state must file with the application for a Colorado license a “certification of licensing history” issued by each state where the applicant is currently or was previously licensed as a community association manager. Such certificate must bear a date of not more than 90 days prior to the submission date of the application. If no longer licensed, such certificate must bear a date subsequent to the expiration date.

A-7) Applicants who have held a community association manager license in another jurisdiction.

An applicant for a Colorado community association manager license who has held a license in another jurisdiction pursuant to § 12-61-1003(5)(d), C.R.S., may submit a certified license history as prescribed in Rule A-6 in lieu of the pre-licensing education requirements found in Rule A-12 and prior to sitting for the exam, along with a complete and satisfactory application in accordance with all Director rules. The Director will issue a license within 10 business days after receipt by the Director of satisfactory results from the fingerprint-based criminal history record check and determination the applicant has established they possess the credentials and qualifications substantively equivalent to the requirements in Colorado for licensure as determined by the Director. Within 30 calendar days after issuance of the community association manager license, the applicant must provide the Director proof of successful completion of the state portion of the exam. Failure to provide the Director with proof of successful completion of the state portion of the exam in the prescribed timeframe will result in the license being placed on inactive status and no activities requiring a license may be performed.

A-8) Applicant with previous suspension or revocation of a community association manager license or certification.

Pursuant to § 12-61-1003(3)(b) C.R.S., an applicant who has held a community association manager license or certification that has been suspended or revoked within the last 10 years, with at least 2 years having elapsed since the date of that suspension or revocation, must file prior to or with their application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each suspension or revocation;
- 2) The completed community association manager application addendum form, including results of any hearing(s), and copies of the official reports of the suspension and revocation by the State where any such suspension or revocation took place;

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- 3) If the applicant is to be employed under a designated manager licensee, that designated manager must submit a letter stating that he or she is aware of the specific suspension(s) or revocation(s); and
- 4) Any other documentation requested by the Director.

A-9) Applicant with prior legal involvement.

Pursuant to § 12-61-1003(3)(c) C.R.S., an applicant who has been convicted or pleaded nolo contendere to a misdemeanor or a felony, or any like municipal code violation, or has such charges pending or has agreed to a uncompleted deferred prosecution, a uncompleted deferred judgment, or a uncompleted deferred sentence (violations) (excluding misdemeanor traffic violations) must file prior to or with his or her application for licensing the following information and documents:

- 1) A written and signed personal explanation and detailed account of the facts and circumstances surrounding each violation;
- 2) The completed community association manager application addendum form, including results of court hearing(s), in the form of copies of charges, disposition, pre-sentencing report and most recent probation or parole report;
- 3) If the applicant is to be employed under a designated manager licensee, that Designated Manager must submit a letter stating that he or she is aware of the specific charges(s) or conviction(s); and
- 4) Any other documentation requested by the Director.

A-10) Preliminary advisory opinion.

At any time prior to submission of a formal application for licensure, a person may request that the Director issue a preliminary advisory opinion regarding the potential effect that previous conduct, license and certification suspension(s) or revocation(s), criminal conviction(s), or violation(s) of community association law may have on a formal application for licensure. Such opinion may be issued by the Director, in his/her discretion, in order to provide preliminary advisory guidance.

- 1) Potential applicants may request a preliminary advisory opinion for any of the following reasons:
 - a) If the individual has been convicted, plead guilty or nolo contendere to any crime in a domestic, foreign or military court;
 - b) If the individual has held a community association manager license or certification that has been suspended or revoked within the last 10 years;
 - c) If the individual has had other professional licenses, certifications or registrations issued by Colorado, the District of Columbia, any other states or foreign countries, revoked or suspended for fraud, theft, deceit, material misrepresentations or the breach of a fiduciary duty and such suspension or revocation denied authorization to practices as: a mortgage loan originator or similar license; real estate broker; real estate appraiser; an insurance producer; an attorney; a securities broker-dealer; a securities sales representative; an investment advisor; or an investment advisor representative; or
 - d) Any other conduct that constitutes dishonest dealing.

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- 2) Individuals requesting a preliminary advisory opinion must complete the preliminary advisory application located on the Division of Real Estate's website.
- 3) Individuals requesting a preliminary advisory opinion must submit all corresponding, or relevant documents related to any conduct or actions as set forth herein. Incomplete requests will not be processed. The Director may, at any time, request additional information regarding the preliminary advisory opinion request. Such corresponding, relevant or related documents may include, but are not limited to:
 - a) Police officer reports;
 - b) Dispositions documents;
 - c) Court documents;
 - d) Original charges documents;
 - e) Stipulated agreements; or
 - f) Final Agency Orders.
- 4) Individuals requesting a preliminary advisory opinion must submit a written and signed personal explanation and detailed account of the facts and circumstances.
- 5) Any preliminary advisory opinion will not be binding on the Director or limit the Director's authority to investigate a future formal application for licensure.
- 6) An individual seeking a preliminary advisory opinion is not an applicant for licensure and the issuance of an unfavorable opinion will not prevent such individual from making application for licensure pursuant to the community association licensing law, and its' rules and regulations.
- 7) The Director may provide a favorable or an unfavorable opinion. All opinions are final and not subject to appeal.

A-11) Criminal history check required prior to application.

Applicants for an initial license must submit a set of fingerprints to the Colorado Bureau of Investigation and Federal Bureau of Investigation for the purpose of conducting a state and national criminal history record check prior to submitting an application for a license. Fingerprints must be submitted to the Colorado Bureau of Investigation for processing in a manner acceptable to the Colorado Bureau of Investigation. Fingerprints must be readable and all personal identification data completed in a manner satisfactory to the Colorado Bureau of Investigation. The Director may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

A-12) Pre-license education requirements.

Applicants must hold a credential pursuant to § 12-61-1003(5)(a)(I)(A), (B), or (C) C.R.S., or complete 24 hours of instruction or equivalent distance learning hours and must be satisfied by successful completion of courses of study approved by the Director as follows:

- 1) A minimum of 6 hours of Colorado Common Interest Ownership Act, Colorado Revised Nonprofit Act, and Fair Housing laws;

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- 2) A minimum of 8 hours of financial, risk, and facilities management;
- 3) A minimum of 6 hours of governance and legal documents of an association; and
- 4) A minimum of 4 hours of ethics, bid requests and contract provisions.

A-13) Denied license notice required.

If the applicant for licensure is denied by the Director for any reason, the applicant will be informed in writing of the denial and the reason therefore. A denied license for any reason will constitute agency action subject to judicial review pursuant to § 24-4-106, C.R.S.

A-14) Director has course audit authority.

The Director may audit courses and may request from each educational provider of courses of study and credentials under § 12-61-1003(5)(a)(I) and (II) C.R.S., all instructional material related thereto and student attendance records as may be necessary for an investigation in the enforcement of the license law and rules and regulations concerning community association managers. The purpose of this audit will be to insure that educational providers and credential providing entities adhere to the approved course of study and credential designations, offer course material and instruction consistent with acceptable education standards and instruct in such a manner that the desired learning objectives are met. Failure to comply with the provisions of this rule may result in the withdrawal of Director course and designated credential approval.

A-15) Invalid payment voids application.

If the fees accompanying any application or registration made to the Director (including fees for renewals, transfers, etc.) are paid for by check and the check is not immediately paid upon presentment to the bank upon which the check was drawn, or if payment submitted in any other manner, and payment is denied, rescinded or returned as invalid, the application will be canceled; the application may be reinstated only at the discretion of the Director and upon full payment of any fees together with payment of the fee required by state fiscal rules for the clerical services necessary for reinstatement.